From: Bailey, Rowena
Sent:9 Jun 2021 10:55:31 +0100
To: Pearce, Sarah
Cc: Development
Subject:RE: AVA/2021/0471

Sarah,

Thank you for consulting me on this application.

The Parish Council have highlighted that the woodland adjacent to the site is known locally as 'Oil Wood'. There is evidence in our records that that acid tars have been deposited in the woods: investigations of the site in 2007 were limited to a desk study and walkover, but identified tar in the north of the site and an earth bund possibly contaminated with acid tar near to the proposed development. As it has been confirmed that there is a source of contamination near to the proposal site, it needs to be considered whether the development will introduce new receptor or create a new pathway.

From a human health perspective, the proposed use is not as sensitive as residential use and the use is not being changed, but there is a residential property nearby and there is potential for any activity to create a pathway for the material within the woods to migrate to the wider environment.

The Environment Team were not consulted on previous applications on the proposal site, and I have concerns that the buildings, in particular the existing residential building, are near to where the acid tars appear to have been deposited. The landowner/developer has a responsibility to ensure that development addresses an existing unacceptable risk or creates such a risk by introducing a new receptor or pathway and I recommend that the following condition is attached to any permission granted:

a) No development shall commence until:

   i. The approved development site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the "Assessment") has been carried out.

   ii. A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority.

   iii. A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.

b) The development shall be undertaken in strict compliance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.

c) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.

d) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.

e) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.

f) All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the Environment Agency publication Land contamination: risk management (LCRM).

Reason

The undertaking of a site investigation prior to the commencement of development is necessary to ensure that adequate information pertaining to risks arising from land contamination is available to inform an assessment that the site is either suitable for its proposed use or appropriate remedial measures could make the site suitable for its proposed use. In order to ensure the safety of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

Regards,

Rowena

Rowena Bailey | Scientific Officer

Amber Valley Borough Council
Operations | Town Hall, Market Place, Ripley, Derbyshire, DE5 3BT
Email: rowena.bailey@ambervalley.gov.uk

Telephone: 01773 841318 | **Mobile:** 07771 555148
www.ambervalley.gov.uk

Making a Difference for Amber Valley

I work part time and my working days are Tuesday, Wednesday and Thursday

[redacted]



